

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PACIFIC COAST STEEL, *et al.*,

Plaintiffs,

v.

TODD LEE LEANY, *et al.*,

Defendants.

Case No. 2:09-CV-02190-KJD-PAL

ORDER

Presently before the Court is Defendants' Emergency Motion in Limine to Exclude the Opinions and Testimony of Plaintiffs' Expert Cherrington (#151). Plaintiffs filed a response in opposition (#171). Also before the Court is Defendants' Emergency Motion in Limine to Exclude the Opinions and Testimony of Plaintiffs' Expert Harrell (#152). Plaintiffs filed a response in opposition (#172).

Having read and considered the motions and oppositions, the Court denies them without prejudice. While Defendants correctly contend that the experts will be prevented from invading the province of the Court to instruct the jury as to what the law is, the Court cannot say that the opinions and expertise of the proposed witnesses may not help aid the jury in understanding the factual background of the case, such as industry standards and practices. Since the reports themselves are not clearly inadmissible for all purposes, the Court denies the motions without prejudice. However,

1 to the extent that Plaintiffs seek to introduce at trial parts of the reports that offer improper legal
2 conclusions, or to adduce testimony of the experts that contains improper legal conclusions,
3 Defendants may raise those objections at that time.

4 Accordingly, IT IS HEREBY ORDERED that Defendants' Emergency Motion in Limine to
5 Exclude the Opinions and Testimony of Plaintiffs' Expert Cherrington (#151) is **DENIED**;

6 IT IS HEREBY ORDERED that Defendants' Emergency Motion in Limine to Exclude the
7 Opinions and Testimony of Plaintiffs' Expert Harrell (#152) is **DENIED**.

8 DATED this 1st day of February 2011.
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12 Kent J. Dawson
13 United States District Judge
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